

REMARKS/ARGUMENTS

The election/restriction requirement dated March 31, 2004 has been considered. The Examiner asserts that restriction to one of Groups I-V is required under 35 U.S.C. §121. The Applicant respectfully traverses, and requests reconsideration and withdrawal of the restriction requirement.

Paragraph number 7 is noted, which indicates that a telephone call was placed to the undersigned attorney of record to request an oral election. The undersigned attorney of record does not recall receiving such a call or message, and therefore it is assumed that the Examiner was unable to reach the undersigned attorney. A current telephone number for the undersigned attorney is provided below, which may assist the Examiner if any further telephone communications are initiated by the Examiner.

The Applicant first respectfully submits that the restriction of the claims of Groups I, IV and V is not warranted. In addition to other reasons concerning the independence and distinctiveness of these groups (set forth below), the Applicant respectfully submits that searching and/or examining the claims of at least Groups I, IV and V do not impose a "serious burden" on the Examiner. If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits. M.P.E.P. §803.

More particularly, the independent claims of Groups I, IV and V (*e.g.*, Claims 1, 35 and 40 respectively) are directed to aspects of the invention having analogous functionality. The independent claims of these groups are directed to a method, a system, and a computer-readable medium that each involve at least 1) receiving charging events at a network charging edge comprising one or more bridge modules logically coupled between the network elements and the charging elements, and 2) managing charging transactions between the network elements and their respective charging elements via the one or more bridge modules through the application of rules to the charging transaction initiated by corresponding charging events. It is respectfully submitted that a search and examination regarding the claims of Groups I, IV and V would not impose a serious burden on the Examiner. The Applicant also notes that if the

restriction requirement between these Groups I, IV and V is maintained, the Office is prohibited from asserting a double patenting rejection on the claims of these groups.

Considering the Examiner's specific reasons for restriction, the Examiner has argued in paragraph 2 that the claims of Groups I and II are distinct. The Examiner notes that inventions are distinct if the process as claimed can be practiced by hand, and the Examiner alleges that the process as claimed can be practiced by hand. The Applicant respectfully traverses.

As stated by M.P.E.P. § 806.05(e), where the Examiner is arguing that the process can be practiced by hand, it is the process *as claimed* that must be considered. In the process of Claim 1, the claim involved managing charging and billing for services on a network having one or more network elements providing billable services and one or more charging elements. Charging events are received "at a network charging edge comprising one or more bridge modules," and therefore not by hand. Charging transactions between the network elements and their respective charging elements are managed "via the one or more bridge modules," and therefore not by hand. Thus, the process *as claimed* includes network elements to perform various claimed functions. It is respectfully submitted that the Examiner has not provided sufficient reasons to support the conclusion that the process *as claimed* can be performed by hand, where at least bridge modules are recited in the claim to perform such functions. As stated in M.P.E.P. § 806.05(e):

If applicant proves or provides convincing argument that there is no material difference or in the case of a process that cannot be performed by hand (if examiner so argued), the burden is on the examiner to document another materially different process or apparatus or withdraw the requirement. (emphasis added)

The Applicant has also amended Claim 1 of Group I to make even more clear that the managing of charging transactions occurs at the network, and is not performed by hand. The Applicant respectfully submits that the requirement for restriction for the claims of Groups I and II be withdrawn.

In paragraph 3, the Examiner alleges that the claims of Group III and the claims of Groups IV, V are related as subcombinations disclosed as usable together in a single combination, and that the invention of Group III has separate utility such as a network for selling machine parts. The Applicant respectfully traverses.

The Examiner must show, by way of example, that one of the subcombinations has utility *other than in the disclosed combination*. M.P.E.P. § 806.05(d). While the Examiner has provided an example (*i.e.* a network for selling machine parts), it is respectfully submitted that the example does not establish that the claims of Group III has utility *other than in the disclosed combination*, as the Examiner's characterization of the "disclosed combination" has not been set forth. In the M.P.E.P. Examiner's Note, item number 3 of M.P.E.P. § 806.05(d), it indicates that a utility is to be suggested "other than with the other invention." It is respectfully submitted that it has not been established that the Examiner's example relating to the claims of Group III provides a utility other than that of Groups IV and V. For this reason, and because a disclosed, single combination to which the alleged subcombinations are usable together has not been identified, it is respectfully submitted that there has not been a proper showing that one of the alleged subcombinations has utility other than in the disclosed combination. The Applicant respectfully requests that the proper showing be made to allow the Applicant to respond accordingly, or that the restriction be withdrawn.

In paragraph 4, the Examiner alleges that the claims of Group IV and Group V are related as subcombinations disclosed as usable together in a single combination, and that the invention of Group V has separate utility such as a medium for inventory management for computer parts. The Applicant respectfully traverses.

The Examiner's example showing alleged separate utility is based exclusively on the computer-readable "medium" of the claims of Group V relative to the system of the claims of Group IV. The Applicant first submits that the computer-readable medium of Group V and the system of Group IV are both directed to statutory apparatuses, and recite similar functionality. Thus, the Applicant first respectfully submits that it would not impose a serious burden on the Examiner to search and examine the claims of Groups IV and V.

Further, the Applicant respectfully contends that the Examiner's purported example of separate utility (*i.e.* a medium for inventory management for computer parts) is provided without reference to the "disclosed combination" as required by the M.P.E.P. Thus, it is respectfully submitted that the example does not establish that the claims of Group IV has utility other than in a disclosed, single combination. The Applicant contends that the Examiner has not identified a single combination in which the two alleged subcombinations are usable together. Without such a showing, the Applicant is not afforded an opportunity to properly respond to the restriction requirement. The Applicant respectfully requests reconsideration and withdrawal of the restriction requirement.

CONCLUSION

In view of the above, the Applicant respectfully requests reconsideration and withdrawal of the requirement for restriction. If the Examiner believes it necessary or helpful, the undersigned attorney of record may be contacted at 651-686-6633, x110 to discuss any issues related to this case.

Respectfully submitted,

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Applicant: RODRIGO

For: INTELLIGENT NETWORK CHARGING EDGE

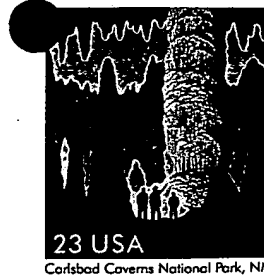
Docket No.: NOKI.002PA

Date of Deposit: April 30, 2004

- ☒ Response to Restriction Requirement (13 pages).
- ☒ Authorization is given to charge Deposit Account No. 50-0996 (NOKI.002PA any additional fees).

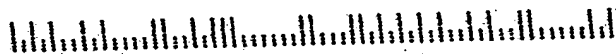
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EXHIBIT C



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EXHIBIT D